

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

Clerk, U.S. District Court  
Southern District of Texas  
ENTERED

JAN 6 2005

Jose Albert Dennes

*Petitioner,*

vs.

Douglas Dretke,

Director of the Texas Department  
of Criminal Justice - Correctional  
Institutions Division

*Respondent.*

§  
§  
§  
§  
§  
§  
§  
§

**Michael N. Milby, Clerk of Court**

Civil Action: H-04-4618

**MEMORANDUM AND RECOMMENDATION**

Petitioner Jose Albert Dennes, a state prisoner, filed this petition for a writ of habeas corpus under 28 U.S.C. § 2254, which has been referred to this magistrate judge for report and recommendation. Dkt. # 2.

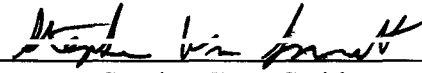
Dennes filed a previous writ application in this court on March 10, 2001, challenging his state court murder conviction on grounds different from those currently asserted. *See* Civil Action No. H-01-927. That petition was ultimately denied. Because this is a successive petition for collateral relief and Dennes has not obtained an order from the court of appeals authorizing the district court to consider it, the court recommends that this petition be DISMISSED for lack of jurisdiction. 28 U.S.C. § 2244(b)(3)(A); *United States v. Key*, 205 F.3d 773, 774 (5th Cir. 2000).

The Clerk shall send copies of this Memorandum and Recommendation to the respective parties. The parties have ten days from receipt to file written objections to the Memorandum and Recommendation. *See* FED. R. CIV. P. 72. Failure to file written objections within that time may bar an aggrieved party from attacking the factual findings and legal conclusions on appeal.

The original of any written objections must be filed with the United States District Clerk, P.O. Box 61010, Houston, Texas, 77208. Copies of the objections must be mailed to opposing parties and

to the chambers of the magistrate judge, 515 Rusk, Suite 7727, Houston, Texas 77002.

Signed at Houston, Texas, on January 5, 2005.

A handwritten signature in black ink, appearing to read "Stephen Wm. Smith", written over a horizontal line.

Stephen Wm. Smith  
United States Magistrate Judge